

Senate Study Bill 1184

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON FRAISE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the regulation of confinement feeding
2 operations, by providing for separation distances.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2116XC 82
5 da/es/88

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1 1 Section 1. Section 459.202, subsection 4, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 Except as provided in subsection 5 and sections 459.203,
1 4 459.205, and 459.206, this subsection applies to confinement
1 5 feeding operation structures constructed on or after March 1,
1 6 2003, but prior to the effective date of this Act, and to the
1 7 expansion of confinement feeding operation structures
1 8 constructed on or after March 1, 2003, but prior to the
1 9 effective date of this Act.

1 10 Sec. 2. Section 459.202, subsection 5, unnumbered
1 11 paragraph 1, Code 2007, is amended to read as follows:
1 12 Except as provided in sections 459.203, 459.205, and
1 13 459.206, this subsection applies to confinement feeding
1 14 operation structures constructed on or after March 1, 2003,
1 15 but prior to the effective date of this Act, and to the
1 16 expansion of confinement feeding operation structures
1 17 constructed on or after March 1, 2003, but prior to the
1 18 effective date of this Act.

1 19 Sec. 3. Section 459.202, Code 2007, is amended by adding
1 20 the following new subsection:

1 21 NEW SUBSECTION. 5A. Except as provided in sections
1 22 459.203, 459.205, and 459.206, this subsection applies to
1 23 confinement feeding operation structures constructed on or
1 24 after the effective date of this Act, and to the expansion of
1 25 confinement feeding operation structures constructed on or
1 26 after the effective date of this Act.

1 27 The following table represents the minimum separation
1 28 distance in feet required between a confinement feeding
1 29 operation structure and a confinement feeding operation
1 30 structure and a residence not owned by the owner of the
1 31 confinement feeding operation, a commercial enterprise, a bona
1 32 fide religious institution, or an educational institution, or
1 33 a public use area:

	For a confinement feeding operation having an animal unit capacity of less than 1,000 animal units	For a confinement feeding operation having an animal unit capacity of 1,000 or more but less than 3,000 animal units	For a confinement feeding operation having an animal unit capacity of 3,000 or more animal units
1 34			
1 35			
2 1			
2 2			
2 3			
2 4			
2 5			
2 6			
2 7			
2 8			
2 9	<u>Type of structure</u>	<u>units</u>	<u>units</u>

2 10 Confinement feeding

2 11 operation

2 12 structure

2,640

3,960

5,280

2 13 Sec. 4. Section 459.203, subsection 1, paragraph c, Code
2 14 2007, is amended to read as follows:

2 15 c. For a confinement feeding operation constructed on or
2 16 after March 1, 2003, but prior to the effective date of this
2 17 Act, any construction or expansion of a confinement feeding
2 18 operation structure complies with the distance requirements

2 19 applying to that structure as provided in section 459.202,
2 20 subsections 4 and 5.

2 21 Sec. 5. Section 459.203, subsection 1, Code 2007, is
2 22 amended by adding the following new paragraph:

2 23 NEW PARAGRAPH. d. For a confinement feeding operation
2 24 constructed on or after the effective date of this Act, any
2 25 construction or expansion of a confinement feeding operation
2 26 structure complies with the distance requirements applying to
2 27 that structure as provided in section 459.202, subsection 5A.

2 28 Sec. 6. Section 459.203, subsection 2, paragraph c,
2 29 subparagraph (1), Code 2007, is amended to read as follows:

2 30 (1) Double its animal unit capacity on the following
2 31 dates:

2 32 (a) March 1, 2003, for a confinement feeding operation
2 33 that includes a confinement feeding operation structure
2 34 constructed prior to the effective date of this Act.

2 35 (b) The effective date of this Act, for a confinement
3 1 feeding operation that only includes a confinement feeding
3 2 operation structure constructed on or after March 1, 2003, but
3 3 does include a confinement feeding operation structure
3 4 constructed prior to the effective date of this Act.

3 5 Sec. 7. Section 459.203, subsection 3, unnumbered
3 6 paragraph 1, Code 2007, is amended to read as follows:

3 7 The confinement feeding operation includes a confinement
3 8 feeding operation structure that is constructed ~~prior to March~~
3 9 ~~1, 2003,~~ and is expanded by replacing one or more unformed
3 10 manure storage structures with one or more formed manure
3 11 storage structures, if all of the following apply:

3 12 EXPLANATION

3 13 BACKGROUND. This bill amends provisions in Code chapter
3 14 459 (the animal agriculture compliance Act) regulating animal
3 15 feeding operations by the department of natural resources,
3 16 including confinement feeding operations. The bill provides
3 17 for the construction of confinement feeding operation
3 18 structures (i.e., confinement buildings, manure storage
3 19 structures, and egg washwater lagoons).

3 20 CURRENT REQUIREMENTS. Code section 459.202 provides
3 21 various separation distance requirements between confinement
3 22 feeding operation structures and homes, schools, businesses,
3 23 churches, public use areas (portions of parks and cemeteries).
3 24 The Code section also provides various separation distance
3 25 requirements between those structures and homes, schools,
3 26 businesses, and churches located within the corporate limits
3 27 of a city.

3 28 According to Code section 459.202, the amount of the
3 29 separation distance required depends upon (1) when the
3 30 confinement feeding operation structure was constructed or
3 31 expanded which is usually related to when a new separation
3 32 distance became effective, and (2) the size of the confinement
3 33 feeding operation which increases the distance according to
3 34 the capacity of the confinement feeding operation (either
3 35 animal weight capacity or animal unit capacity).

4 1 Code section 459.203 provides that a confinement feeding
4 2 operation constructed or expanded prior to the date that a
4 3 distance requirement became effective may continue to operate
4 4 regardless of the new distance requirement, and under certain
4 5 circumstances may be expanded. For example, a confinement
4 6 feeding operation may expand if it continues to meet the
4 7 separation distance requirements applicable when the
4 8 confinement feeding operation was established or it meets
4 9 minimum capacity threshold requirements. It may expand so
4 10 long as the confinement feeding operation stays within a
4 11 minimum capacity (e.g., double its capacity on the date that a
4 12 new separation requirement was established). Finally, it
4 13 authorizes expansion by replacing an unformed (earthen) manure
4 14 storage structure with a formed (concrete) manure storage
4 15 structure.

4 16 INCREASED SEPARATION DISTANCES. The bill amends Code
4 17 section 459.202 to provide increased separation distance
4 18 requirements for confinement feeding operation structures
4 19 constructed or expanded on or after the effective date of the
4 20 bill. The increased separation distance requirements are
4 21 one-half mile, three-quarter miles, or one mile, based on the
4 22 animal unit capacity of the confinement feeding operation. It
4 23 also provides that the same exceptions that allow a
4 24 confinement feeding operation established between March 1,
4 25 2003, and the effective date of the bill to expand applies to
4 26 allow a confinement feeding operation established on and after
4 27 the effective date of the bill to expand. The bill allows
4 28 expansion by the replacement of an unformed manure storage
4 29 structure with a formed manure structure regardless of the

4 30 date that the confinement feeding operation was constructed.
4 31 LSB 2116XC 82
4 32 da:rj/es/88